

Agenda

Item #5



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: October 24, 2012

Re: Request for Investigation of Colleen Lachowicz

Request by the Maine Republican Party

The Maine Republican Party requests that the Commission investigate whether Colleen Lachowicz of Waterville, the Democratic candidate for Senate District 25, violated the Maine Clean Election Act by soliciting earmarked contributions through two political action committees – the Maine Senate Democratic Campaign Committee and MPA Campaign Vote!

The request is based on an entry on the homepage of Ms. Lachowitz's campaign website. The entry, entitled "Four Ways to Help,"¹ was posted to the campaign website after the Maine Republican Party sent a campaign mailer to voters in Senate District 25 and created a website to draw attention to the candidate's participation in the internet game World of Warcraft. This matter has received considerable coverage by local, national and international news media.

¹ With its request, the Maine Republican Party enclosed a screenshot of the webpage that was created on October 9, 2012. The webpage has been amended since.

In an entry, dated October 5, on her campaign website, Ms. Lachowicz wrote that she had received “hundreds of responses” including by e-mail and Facebook, and that “a lot of people were asking questions about how they could help the campaign.” Ms. Lachowicz suggested four ways for people to help. One of these suggestions directed supportive members of the public to a fundraising website to make political contributions to “like-minded groups.”

In the entry, the campaign included a hyperlink to a fundraising page on the ActBlue website. The ActBlue webpage is entitled “Support a Gamer Who’s Under Attack” and is ostensibly organized by “Friends of Santiago,” which is a reference to the name Ms. Lachowicz uses when gaming.² The fundraising page allows members of the public to show their support for Ms. Lachowicz by making contributions to two political action committees: the Maine Senate Democratic Campaign Committee³ and the MPA Campaign Vote PAC (the PACs). The screenshot of the ActBlue fundraising page shows that 171 people had made contributions totaling \$6,126 as of October 9, 2012 toward a stated fundraising goal of \$10,000.

The Maine Republican Party contends that Ms. Lachowicz cooperated with the PACs to solicit contributions through the ActBlue fundraising page that would be earmarked on her behalf. The Maine Republican Party asserts that these contributions should be

² A screenshot of the ActBlue fundraising webpage is attached to the Maine Republican Party’s request.

³ The request mistakenly names the Maine State Democratic Committee as one of the two groups. Since the state party committee is not connected with this matter, the Commission staff does not address the issue raised in the request about Ms. Lachowicz’s current membership on that committee because it is not a factor in determining whether a violation occurred.

considered contributions to Ms. Lachowicz, and that she is in violation of the Maine Clean Election Act which prohibits her from receiving contributions after certification.

Part of the basis for the Maine Republican Party's concern is the language on the ActBlue fundraising page, which may convey to donors that the two PACs are setting aside money that is specifically designated to promote Ms. Lachowicz. So, to understand the Party's complaint, the staff recommends reviewing the ActBlue webpage (attached to the Republican Party's complaint).

The Maine Republican Party's request does not contain any allegations that Ms. Lachowicz cooperated, consulted or acted in concert with the PACs to make any expenditures or that she suggested that the PACs make expenditures on her behalf. The request also does not contain any allegations that the PACs transferred any earmarked funds to Ms. Lachowicz's campaign.

Relevant Law

Authorizing a political committee. A candidate for the Maine Legislature "may authorize one political committee to promote the candidate's election." (21-A M.R.S.A. § 1013-A(1)(B)) A "political committee" is defined in the Election Law to mean "2 or more persons associated for the purpose of promoting or defeating a candidate, party or principle." (21-A M.R.S.A. § 1(30)) Within 10 days of "appointing a political committee," a candidate is required to register the name of the committee and the

committee's treasurer and officer with the Commission. (21-A M.R.S.A. § 1013-A(1)(B))

Contributions to a candidate's authorized political committee. “[C]ontributions made to any political committee authorized by a candidate to accept contributions on the candidate's behalf are considered to be contributions made to that candidate.” (21-A M.R.S.A. § 1015(4))

Earmarked contributions. “[A]ll contributions made by a person, either directly or indirectly, on behalf of a particular candidate that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate are considered to be contributions from that person to the candidate.” (21-A M.R.S.A. § 1015(4))

Limitations on accepting contributions. “After certification, a candidate must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission.” (21-A M.R.S.A. § 1125(6))

Expenditures by others coordinated with the candidate. “Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of a candidate ... is considered to be a contribution to that candidate.” (21-A M.R.S.A. § 1015(5))

Maine Clean Election Act penalties. “In addition to any other penalties that may be applicable, a person who violates any provision of this chapter or rules of the commission adopted pursuant to section 1126 is subject to a fine not to exceed \$10,000 per violation payable to the fund.” (21-A M.R.S.A. § 1127(1))

Staff Advice Regarding the Campaign Website and Facebook page

On October 5, Amy Cookson, Field Director for the Senate Democratic Campaign Committee and employee of the Maine Democratic Party, contacted Tyler Backus who is one of the Commission’s Candidate Registrars, about whether the Lachowicz campaign could place language on its Facebook page directing readers to make contributions to the PACs using the ActBlue fundraising page. The October 5, 2012 e-mail sent by Ms. Cookson is Attachment #2 to the letter from Ms. Lachowicz’s attorney, Kate R. Knox (attached).

As you can see from the October 5 e-mail, Ms. Cookson did not include a hyperlink to the ActBlue fundraising page. So, Mr. Backus’ only knowledge of the ActBlue fundraising page was the description which Ms. Cookson proposed for the campaign’s Facebook page.

After consulting with another Candidate Registrar, Mr. Backus responded by e-mail that the language drew a clear line of separation between the campaign and the PACs

regarding any possible independent expenditures to support Ms. Lachowicz made by the PACs.⁴

Ed Lachowicz, Ms. Lachowicz's campaign manager and husband, called Mr. Backus, also on October 5, after Mr. Backus had responded to Ms. Cookson. Mr. Lachowicz asked whether it was permissible for the campaign to post the same language on the campaign website. Mr. Backus responded that he thought it would be permissible because the message would be clear that the campaign could not accept contributions and directed the public to other organizations that were supportive of candidates who have a similar stand on issues as Ms. Lachowicz.

Response from Colleen Lachowicz

Ms. Lachowicz, through her attorney Kate R. Knox, responds:

Ms. Lachowicz's lack of involvement in the ActBlue webpage

- Neither Ms. Lachowicz nor her agents know who created the ActBlue fundraising page, suggested that the page be created, or cooperated with the creators of the fundraising page.
- Neither Ms. Lachowicz nor her agents know how the money raised through the webpage will be used or whether the money raised would be spent specifically to support her election.

⁴ In his response to Ms. Cookson, Mr. Backus also provided the advice that because no public campaign funds were used to pay for the Facebook page (which is free), posting the language on the campaign's Facebook page would not be a violation of the Commission expenditure guidelines which prohibit the use of public campaign funds to support other candidates, committees and causes. Subsequently, Mr. Backus had additional questions about whether it was possible that MCEA funds were being used to promote the PACs. The campaign removed the section directing supporters to the ActBlue fundraising page from the campaign website and Facebook page.

Ms. Lachowicz's authorized political committee

- Ms. Lachowicz did not register a political committee when she registered as a candidate with the Commission and has not directed any political organization to promote her candidacy.

Earmarked contributions:

- Ms. Lachowicz made it clear to anyone reading the post on her campaign website or on her campaign's Facebook page that contributions made through the ActBlue fundraising page would not necessarily help her campaign and that she could not coordinate any campaign activities with the PACs.
- Ms. Lachowicz had no direct involvement in the making of any contribution on the ActBlue webpage. She has no control over how the donor designated the contribution made to the PACs.

Reliance on Commission Staff Advice

- Prior to posting any information about the ActBlue webpage on the campaign's Facebook page or website, Ms. Cookson contacted the Commission staff to confirm whether the campaign could post the information. After reviewing the language of the text of the post, the Commission staff said that it would be permissible to place the post containing the link to the ActBlue webpage on the campaign's Facebook page because the Facebook page was not primarily fundraising-related but was concentrated on campaign activities.
- Ed Lachowicz contacted the Commission staff to follow up on the staff's advice to confirm that the placing the link on the webpage was allowable. The Commission staff confirmed that it was allowable.

- On October 8, the campaign received a call from the Commission staff with additional questions about the initial funding for the website and raising the issue of whether MCEA funds were being used to raise funds for the PACs. Because the Commission staff had new questions about whether the link could be posted, the campaign immediately removed the post containing the link from its website.
- Ms. Lachowicz relied entirely on the advice she received from the Commission staff. Ms. Lachowicz and her campaign performed their due diligence by consulting with the Commission staff prior to posting the ActBlue link on the campaign website. The exact language of the post was vetted by the Commission staff and approved. When the Commission staff raised some concerns about posting the link after their initial approval, the campaign immediately removed the post and link from its website.

Staff Recommendations

Contributions to a candidate's authorized political committee – 21-A M.R.S.A. § 1015(4). The staff believes this section of the statute should be interpreted to apply to a committee established and authorized *by the candidate* to promote *that candidate's election*. If a candidate establishes a political committee for his or her campaign, the candidate must register that committee with the Commission. In practice, the candidate's authorized committee is controlled by the candidate and has the sole purpose of promoting that candidate. The staff does not believe this statute should be applied to a situation in which a candidate requests or tells a prospective donor to contribute to a

partisan, multi-purpose organization that supports many candidates, such as a state party committee or a caucus PAC. It is probably common for candidates who cannot accept contributions or who have received the maximum from a donor, to refer a prospective donor to a party committee or PAC. That does not result in a violation – as long as the candidate does not coordinate with the recipient organization on any subsequent expenditure by the organization to promote the candidate. The staff's view is that the Senate Democratic Campaign Committee and the MPA Campaign Vote! PAC are not "authorized" committees under this section of the statute and that Ms. Lachowicz did not receive a contribution on the basis of this provision.

Earmarked contributions – 21-A M.R.S.A. § 1015(4) – The staff believes this section of the statute should be interpreted to apply to contributions that pass through an intermediary *to the candidate*. If the candidate has not received any of the donated funds from the intermediary, the candidate has not received a contribution. In this case, the contributions will be kept by the PACs and Ms. Lachowicz will not receive any of those funds from the PACs, so she has received no earmarked contributions.

The staff also believes that this section of the statute would not apply to a situation in which a donor makes a contribution to a PAC or party committee with the request or stipulation that the funds be used to support a specific candidate. It is probably not uncommon for someone wishing to promote a particular candidate to give money to a state party or a PAC with the condition or understanding that the money be spent to promote that candidate. That is not an earmarked contribution *to the candidate*. In

essence, it is a contribution to that state party committee or PAC to fund independent expenditures to support a particular candidate.

Coordinated expenditures – 21-A M.R.S.A. § 1015(5). The Maine Republican Party has not alleged that the PACs have made *any expenditures* to influence Ms. Lachowicz's election in coordination with the candidate. Moreover, the facts presented to date do not indicate that Ms. Lachowicz coordinated with the PACs to make expenditures to influence her election.

Even if a candidate does not coordinate with a committee in making an expenditure, candidates should be cautious about raising money for a PAC or party committee when they have reason to believe that money will be spent by the PAC or party specifically to promote that candidate. For example, the Commission proposed in 2011 that the Legislature address the issue of a candidate raising money for a PAC that is dedicated to electing only that candidate. The Legislature enacted the Commission's proposal by adding two sentences to 21-A M.R.S.A. § 1015(4):

If the campaign activities of a political action committee within a calendar year *primarily promote or support the nomination or election of a single candidate*, contributions to the committee that were solicited by the candidate are considered to be contributions made to the candidate for purposes of the limitations in this section. For purposes of this subsection, solicitation of contributions includes but is not limited to the candidate's appearing at a fundraising event organized by or on behalf of the political action committee or suggesting that a donor make a contribution to that committee. (Emphasis added.)

(P.L. 2011, c. 389, § 14)

Those two sentences would not apply to the current situation because the contributions went to PACs whose activities involve promoting numerous candidates, not primarily Ms. Lachowicz. Under Election Law, contributions to those committees solicited by Ms. Lachowicz would not be deemed to be contributions to her campaign.

Moreover, Ms. Lachowicz has stated explicitly that neither she nor her campaign “have any idea how the money raised [on the ActBlue fundraising page] will be spent.” (Knox Letter, at 3, fifth bullet point) She was informed that the ActBlue page existed, and her campaign asked if it could link to the website. She was cautioned by the Commission staff that she should not cooperate or be consulted on how the money would be spent, and there is no evidence that she has cooperated or consulted with the PACs. So, in the opinion of the Commission staff, the mere fact that she invited potential donors to visit the ActBlue fundraising page would not – in itself – render the PACs’ subsequent expenditures to have been coordinated with her.

The Commission staff recommends undertaking no further investigation in response to the request by the Maine Republican Party. However, if you believe any further investigation should be conducted, the staff is happy to pursue any specific direction you give us. We suggest completing any necessary investigation before the November 6, 2012 general election, if possible.

Thank you for your consideration of this memo.

**IRWIN
TARDY
MORRIS**

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October 11, 2012

Jonathan Wayne, Executive Director
Maine Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, ME 04333

Re: *Requests for Investigations*

Dear Jonathan:

The Maine Republican Party (the "Party"), pursuant to 21-A M.R.S.A. §1003 and Commission Rule 94-270 C.M.R. ch. 1, § 4(2)(C), hereby requests that the Commission staff investigate Colleen Lachowicz, Democratic candidate for Senate District 25. The specific reasons for the investigations are set forth below.

Colleen Lachowicz is the Democratic candidate in Senate District 25. Ms. Lachowicz is running as a certified Maine Clean Election Candidate. As a Maine Clean Election Candidate, Ms. Lachowicz is prohibited from accepting any contributions to her campaign - she is limited to her clean election funds. Pursuant to 21-A M.R.S.A. § 1015(4) "contributions made to any political committee authorized by a candidate to accept contributions on the candidate's behalf are considered to be contributions to that candidate." Furthermore, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate are considered to be contributions from that person to the candidate." 21-A M.R.S.A. § 1015(4).

It appears that Colleen Lachowicz has been coordinating with the MPA Campaign Vote and Maine Democratic State Committee with respect to fundraising in connection with her campaign. Recently, a fundraising website was created to raise money in support of Colleen Lachowicz. Attached herewith are screenshots of the website, which is run through ActBlue. The website clearly is soliciting funds to support Colleen Lachowicz.

However, Ms. Lachowicz was expressly directing her supporters or visitors to her campaign website directly to the fundraising website. Attached is a screenshot from colleenlachowicz.com from October 5, 2012, which contains a hyperlink directly to the ActBlue fundraising site. This appears to be a clear violation of Maine's Election Law.

Jonathan Wayne, Esq.
October 11, 2012
Page 2 of 2

Perhaps realizing her violation of campaign finance laws, it appears that Ms. Lachowicz, has updated her website in recent days to remove the hyperlink. However, it is worth noting that Ms. Lachowicz, despite being a certified clean election candidate, directed her supporters to make donations to influence her election to organizations including the Maine State Democratic Committee. Ms. Lachowicz appears to be a current member of the Maine State Democratic Committee. See attached screenshot from the Maine Democratic State Committee's website. The Party believes that these circumstances suggest more than mere coincidence and warrant investigation by the Commission.

The Party believes that the foregoing evidence provides a sufficient basis to believe that Colleen Lachowicz has engaged in acts that violate Maine's Clean Election Act. Accordingly, the Party requests that the Commission investigate the above-described circumstances to determine whether, as it appears from the evidence, a violation of Maine's election laws has occurred and, if so, whether to impose a sanction for the violation.

Sincerely,

A handwritten signature in black ink, appearing to read 'William P. Logan', with a long horizontal flourish extending to the right.

William P. Logan, Esq.

Enclosures

ActBlue

[Directory](#)[Support Us](#)[Blog](#)[Help](#)[Log In](#)

find your favorite candidates & causes

Support a Gamer Who's Under Attack

COLLEEN LACHOWICZ

171 Supporters **6,126** Raised

\$

Contribute

Distributed among the recipients below

Colleen Lachowicz, a State Senate candidate in the state of Maine is under attack for playing World of Warcraft. The Maine Republican Party just sent a mail piece to every house in her district with a picture of her 85th level Orc Rogue, attacking her for spending time in a "make-believe world."

Colleen is a clean elections candidate and can't accept direct contributions, but we can show our support by contributing to these groups that have endorsed her candidacy and are working to get her elected.

More at [Kotaku](#), [Joystiq](#), [Politico](#) and a thousand other places.

help us reach
\$ 10,000
to date
\$ 171
\$ 6,126
Contribute
ActBlue

MPA Campaign Vote!

\$ 0.00

Raised on this page: 151 2,764

Raised across ActBlue: 157 2,954

Maine Senate Democratic Campaign Committee
(ME)

\$ 0.00

Raised on this page: 164 3,362

Raised across ActBlue: 503 26,742

Total: 0.00

Contribute

The Organization

About ActBlue

Contact Us

Jobs

Blog

Donate to ActBlue

The Tools

Directory

Fundraising Pages

API

FAQ

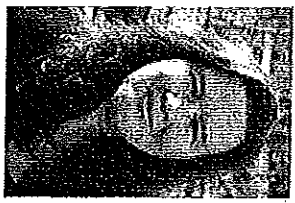
Recurring Contributions

Help

Paid for by ActBlue (www.actblue.com) and not
authorized by any candidate or candidate's committee.

Contributions or gifts to ActBlue are not deductible as
charitable contributions for Federal income tax purposes.

Colleen Lachowicz for State Senate — Vote Nov. 6



Call Colleen
 693-7143
 E-Mail Colleen
colleenforstate@gmail.com
 Visit us on Facebook
 Want a lawn sign? Email us!

Pages

- About Colleen
- My Stand on the Issues

Categories

- Uncategorized

Four Ways To Help

October 5, 2012 — Colleen Lachowicz

I've received hundreds of responses from people via e-mail, Facebook, and even a couple of voicemails. By and large, almost everything people had to say was supportive. A lot of people were asking questions about how they could help the campaign — so, here's how to do that. Please share this page with your friends to spread the word.

1) If you know anyone in the municipalities of Albion, Benton, Clinton, Detroit, Pittsfield, Waterville, Winslow, and the unorganized township of Unity (which isn't the same as the town of Unity next door), please encourage them to support us. Obviously a vote in the district is the most important thing we can have.

2) Volunteer. Lots of people expressed a regret that they were not local enough to volunteer. However, nowadays campaigns use web-based software that allows you to make calls into the district from anywhere. If you can devote some time to making calls or knocking doors for the campaign, call Amy Cookson at (207) 370-4304.

3) Contribute to like-minded groups. On ActiveRight now, there is a page raising money for the Maine Senate Democratic Campaign Committee and MPA Campaign Vote. Both are organizations which support my election, but I am unable to coordinate any activities with them. While money directed to them may or may not benefit me, know that it will go to help people reach elected office that will stand up for issues I find important, such as legislation to protect our youth from bullying.

4) Head to the Democratic Legislative Campaign Committee and fill out their form saying you'd like our race to be one of their 2012 Essential Races. Certainly it seems that people think this is a race to watch, so tell those in Democratic Party leadership that you feel the same way. Our district is Maine Senate District 25.

I am grateful for and humbled by all the kind words and support offered to me. Whether you can help the campaign or not, thank you for taking something which was very hurtful to me personally and turning it into something that makes me smile. The Internet will never cease to amaze me. I am going to try to respond personally to all the e-mails I have received, but this is not a large campaign, and I also have to, well, campaign!

Links of Interest

- Bangor Daily News
- Daily Kos
- Dirigo Blue
- Morning Sentinel
- Rolling Thunder Express

Meta

- Log in
- Entries RSS
- Comments RSS
- WordPress.org



Colleen Lachowicz for State Senate on Facebook



Colleen Lachowicz for State Senate

While out knocking doors yesterday, I came to this house. No one was home but this friendly cat. I registered some new voters yesterday and met some new supporters. One

MDP DSC 2012: DSC

Cumberland Chair's Alternate	Pam Reid	Fennell Scher	3 Fox Hall Rd 5 Fern Ave
Cumberland County Chair	Reid	Scher	
Franklin 1	Donna Maron	Chamberlain	8 Pinkham Hill Rd
Franklin 2	Maron	Scharoun	445 Mosher Hill F
Franklin 3	Pamela April	Mathews	15 River Rd
Franklin Alternate - Member	Joan	Schwink	615 So. Strong R
Franklin Chair's Alternate	Joan	Dunlap	PO Box 946
Franklin Chair	Anne	Geller	108 Orchard St
Hancock 1	Donna	Searchfield	519 Mainville Rd
Hancock 2	Ginilla	Ketts	PO BOX 502
Hancock 3	William	Reeve	36 Deane St
Hancock Alternate - Member	Par	Ketts	PO BOX 502
Hancock Chair's Alternate	Sharon	Dunbar	1485 River Rd
Hancock Chair	John	Krauson	691 Bay Rd
Kennebec 1	Melissa	Sterry	15 Thompson St
Kennebec 2	Bruce	Bourgoine	67 Fogg Rd
Kennebec 3	Tom	Ferns	35 Highland Ave
Kennebec 4	Eliery	Keene	3 Pat St
Kennebec 5	Jane	Edwards	335 Main St
Kennebec Alternate - Member	Priscilla	Jenkins	67 Mallard Lane
Kennebec Chair's Alternate	Colleen	Lachowicz	1 Kelsey St, Apt 2
Kennebec County Chair	Rita	Moran	121 Main St
Knox 1	Bonnie	Post	67 Mahalas Ln
Knox 2	Eileen	Wilkinson	38 Gay Rd
Knox 3	Roland	Whittel	PO Box 217
Knox Alternate - Member			
Knox Chair's Alternate	Steve	Melchisky	26 Curtis Ave
DSC			

Sign Up Now
 Waldo County Dems Monthly Meeting
 Sunday - Oct. 14, 2012
 Sign Up Now

Volunteer

We Need Your Help. From data entry to in person canvassing, find out how you can make a difference.

CONTRIBUTE
 ME 04605
 Support our work by donating to the ME 04605 fund. Help us defeat the odds and elect a Democrat to the US House of Representatives.

Augusta, ME 04330
 Readfield, ME 04355
 Waterville, ME 04901
 Winslow, ME 04901
 Vassalboro, ME 04989



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October 22, 2012

Mr. Jonathan Wayne
Executive Director
Maine Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, ME 04333

Re: **RESPONSE TO MAINE REPUBLICAN PARTY'S REQUEST FOR
INVESTIGATION OF STATE SENATE CANDIDATE COLLEEN
LACHOWICZ**

Dear Mr. Wayne:

As requested in your letter dated October 17, 2012, Candidate Colleen Lachowicz hereby responds to the allegations set forth by the Maine Republican Party in the Request for Investigation ("RFI") dated October 11, 2012.

FACTUAL INFORMATION

Candidate Colleen Lachowicz ("Candidate Lachowicz") is running for election in State Senate District 25 and is a certified Maine Clean Election Candidate. On October 4, 2012, the Maine Republican Party (the "Party") issued a press release questioning Candidate Lachowicz's fitness as a candidate entitled "Democratic State Senate Candidate Colleen Lachowicz's Disturbing Alter-Ego Revealed" (See Attachment #1). The Party also announced the creation of a website www.colleensworld.com, dedicated to criticizing Candidate Lachowicz's participation in an online game entitled World of Warcraft. Finally, the press release announced that they would be doing a series of mailers to her potential constituents attacking her for her participation in the online game.

The press release and the associated attacks on Candidate Lachowicz's character made statewide, national and worldwide news. Within 24 hours, Candidate Lachowicz found herself in the middle of a media storm – fielding calls from BBC News, CNN, CBC, AP, Reuters, and news outlets from France and Spain, among many others. Very quickly, she was also inundated with calls from supporters asking how they could help and speak out against the spurious attacks on her character. The pure volume of calls, emails and messages on her Facebook page quickly became unmanageable and overwhelming – she

October 22, 2012

Page 2 of 6

simply could not respond to everyone who was offering their support and opposition to the Party's attacks.

On October 4, 2012, Candidate Lachowicz and her spouse Ed Lachowicz (who volunteers as her campaign manager) met with Maine Democratic Party staffer Amy Cookson to discuss how to manage all the unexpected media coverage of her candidacy and to come up with a strategy for responding to all the offers of support.¹ During the meeting, another staffer asked Candidate Lachowicz if she had seen an ActBlue page created to speak out against the Party's attacks – neither Candidate Lachowicz nor her campaign were aware of the ActBlue page at that time. At no time in that meeting did anyone discuss who had created the page or what the proceeds of the page would be used for. On October 5, Ms. Cookson then contacted the Ethics Commission staff (Tyler Backus) to inquire whether it was allowable for supporters to be told about and directed to the ActBlue site – and emailed Mr. Backus draft language. (See Attachment #2).

Mr. Backus reviewed the draft text, consulted with other Ethics Commission staff, and finally approved the text with the embedded link to the ActBlue site. The approval, in part, was based on Commission staff's assessment that the Facebook post was not primarily fundraising-related but concentrated on campaign-related activities (volunteering, and asking for votes).

Later that day, Ed Lachowicz followed up with Tyler Backus and confirmed that placing a link on the Facebook page with the previously discussed language was allowable.

On October 6, 2012, with approval of the language secured, the Facebook post went live and Candidate Lachowicz continued with her campaign and tried to ignore the still intense media attention. The post mentioned four possible ways to help. The section of the post mentioning the ActBlue site read as follows:

"3) Contribute to like-minded groups. On ActBlue now, there is a page raising money for the Maine State Democratic Campaign Committee and MPA Campaign Vote. Both are organizations which support my election, but I am unable to coordinate any activities with them. While money directed to them may or may not benefit me, know that it will go to help people reach elected office that will stand up for issues I find important, such as legislation to protect our youth from bullying" (emphasis added).

On October 8, 2012, the campaign received a phone call from Mr. Backus asking further questions about the initial funding of the website – and expressing the possibility that section 3 of the post might constitute fundraising. Hearing that Ethics staff was now not certain about the language, Ed Lachowicz immediately deleted section 3 from the Candidate's Facebook page – and stopped directly supporters to the site.

To date, neither Candidate Lachowicz nor Ed Lachowicz knows who created the ActBlue fundraising page. As evidenced above, at no point in this process did anyone associated with Candidate Lachowicz have contact with or consult with any party about the creation, maintenance or use of the ActBlue page. Finally, Candidate Lachowicz and her campaign

October 22, 2012

Page 3 of 6

are not aware of how much money was raised on the ActBlue page or how or when that money was used.

Candidate Lachowicz found herself being bullied by the Maine Republican Party for her participation in a perfectly legal online game. While at the center of an unbelievable media storm, Candidate Lachowicz took admirable precautions before giving guidance to her supporters. Her campaign was transparent with Commission staff – they had the exact language of the Facebook post vetted and approved before posting. They were not, in any way, involved in the drafting of the language on the ActBlue site and have no knowledge about its creator.

In its letter of October 17, 2012, the Ethics Commission staff requested information specific to the following three questions. In order to ensure compliance with this request, Candidate Lachowicz provides the following answers to their factual questions:

- Does the campaign know who is responsible for the ActBlue webpage being created?
No – neither the Candidate nor her agents know who is responsible.
- Was the ActBlue webpage created at the suggestion of the Lachowicz campaign?
Absolutely not – neither the Candidate nor her agents had any contact with any parties related to the creation of a webpage.
- Did the campaign cooperate with the creators of the ActBlue webpage?
Absolutely not – neither the Candidate nor her agents know who created the website and as such, could not have coordinated with them on the creation of the webpage.
- At the time that the Lachowicz campaign put the link to the fundraising page on its website, did it understand that the money received by the PACs through the webpage would be used to benefit her specifically?
No – neither the Candidate nor her agents knew anything about who created the page and certainly did not know how the money raised would be used.
- To the best of Ms. Lachowicz's knowledge, is money raised through the ActBlue webpage going to be spent by either PAC to promote her election?
Neither the Candidate nor her agents have any idea how the money raised will be spent.
- Please describe the role of advice from the Ethics Commission staff in the decision by the Lachowicz campaign to post a link to the ActBlue webpage.
Quite simply, Candidate Lachowicz would never have posted the ActBlue link without the approval of Commission staff. They relied entirely and completely on the advice given to them by Mr. Backus. At every step of this process, they contacted the Commission staff and asked for approval – even sending draft language for review and consideration. Once the staff expressed the mere possibility that the link might be problematic – the link was immediately removed from Facebook. As is clear from the facts, the media storm surrounding the Party's

attacks was unprecedented – and Candidate Lachowicz knew she needed help and guidance from Commission staff.

LEGAL ISSUES

As requested by Commission staff, Candidate Lachowicz provides the following answers to the legal questions posed in their letter of October 17, 2012:

- 1) Are the Maine Senate Democratic Campaign Committee and MPA Campaign Vote “political committee[s] authorized by a candidate to accept contributions on the candidate’s behalf?”

No. Candidate Lachowicz has not authorized any political committee to promote her election.

Pursuant to 21-A M.R.S.A. §1013-A(1), candidates may choose *either* to register with the Commission personally or may “authorize one political committee to promote the candidate’s election.” Candidates may not do both – they may only appoint one Treasurer. Regardless of which option they select, candidates must follow the formal authorization procedures outlined in the statute, including the appointment of their Treasurer and registration with the Commission. *Id.*

Candidate Lachowicz opted to register individually and as a result has not (and cannot) authorize any political committee to promote her candidacy. The statute does not allow or provide for any alternate authorization procedure. As stated above, Candidate Lachowicz has not directed any organization to promote her candidacy.

- 2) Are donors who made contributions on the ActBlue webpage “earmarked or otherwise directed [the contributions] through an intermediary or conduit to the candidate...”?

No. Donors who visited Candidate Lachowicz’s Facebook page and clicked the ActBlue link were clearly told that their contribution could go to a variety of causes – not necessarily to her campaign.

Donors who were directed to the ActBlue webpage through Candidate Lachowicz’s Facebook page read the following information which clearly advised donors that any contributions they make may or may not be used for her benefit – and may or may not be used for elections at all. When explaining the limitations, Candidate Lachowicz warned “...*I am unable to coordinate any activities with them. While money directed to them may or may not benefit me, know that it will go to help people reach elected office that will stand up for issues I find important, such as legislation to protect our youth from bullying.*” (emphasis added).

Donors who clicked on the link provided were already fully aware that their contribution would not necessarily help Candidate Lachowicz. The language provided by the ActBlue site would only be read by a donor who had previously been advised that contributions

could be used in a wide variety of ways. Those who chose to continue to the ActBlue webpage had already decided to contribute knowing their contribution was in no way guaranteed to help Candidate Lachowicz.

Additionally, the premise of the question seems to imply that Candidate Lachowicz has some measure of control and knowledge about contributions which may be "earmarked" for her campaign through a contribution to a third party. The statute which addresses earmarking speaks to disclosure requirements for the *intermediary* gathering the contribution – it does not address what responsibility a *candidate* has in such situations. 21-A M.R.S.A. §1015(4). As written, the statute imposes a duty on both the donor and the recipient committee. Earmarked contributions must be properly disclosed on campaign finance reports - and count toward overall contribution limits. They are not prohibited but must be accounted for in a way that provides transparency. These duties properly fall to the parties directly involved in the transaction – the donor and the recipient committee. In a practical sense, it is impossible for a candidate to know the intent of a third-party donor (assuming there is no direct candidate involvement which is the case here). Candidate Lachowicz did her due diligence – she was careful to inform potential donors (to a third party group) that contributions may or may not go to help her. Beyond that, she has no control over what the third party says to donor in their private transaction. She is not responsible for – and she should not be penalized – for the actions of third party groups over whom she has no contract or control.

CONCLUSION

Candidate Lachowicz found herself in the middle of an unwanted media storm based on personal attacks levied by the Party – the same Party who now requests this investigation. In the midst of this difficult situation, Candidate Lachowicz took pains to consult with the Ethics Staff about allowable ways to respond to the many people who wanted to support her and speak out against these attacks. Her campaign did their due diligence, had the language of the Facebook post vetted and reviewed by Ethics staff and only posted it after receiving approval to do so. She relied completely on the advice given to her campaign at the time by Tyler Backus. When the Ethics Commission later expressed some concerns about the language, it was immediately deleted from her Facebook page.

In addition, Candidate Lachowicz has no information about who created the ActBlue page or about how the funds raised on the page will be used. At no time did she coordinate with any person or entity about fundraising or expenditures related to her race.

Based on all the above information, Candidate Lachowicz contends that her campaign has at all times been transparent and acted within the bounds of the law. She urges that Commission to conclude the same and respectfully asks for a finding that no violation occurred.

October 22, 2012
Page 6 of 6

Sincerely,

A handwritten signature in black ink, appearing to be 'Kate R. Knox', with a large, stylized initial 'K'.

Kate R. Knox

KRK

¹ Amy Cookson is an employee of the Maine Democratic Party who assists Colleen Lachowicz as allowed in 21-A M.R.S.A. § 1012(2)(B)(7).

Candidate's Bizarre Double Life Raises Questions

– October 4, 2012 Posted in: [Press Releases](#)
FOR IMMEDIATE RELEASE
Contact: David Sorensen, 207-205-7793
Communications Director, Maine GOP

Democratic Senate Candidate Colleen Lachowicz's Disturbing Alter-Ego Revealed

Online comments raise questions about candidate's fitness for office

AUGUSTA – Colleen Lachowicz, the Democratic candidate for State Senate District 25 (Waterville), has been living a time-consuming double life as a member of the World of Warcraft community. World of Warcraft is an online gaming network where people play a fantasy role-playing game in an imaginary world called “Azeroth.”

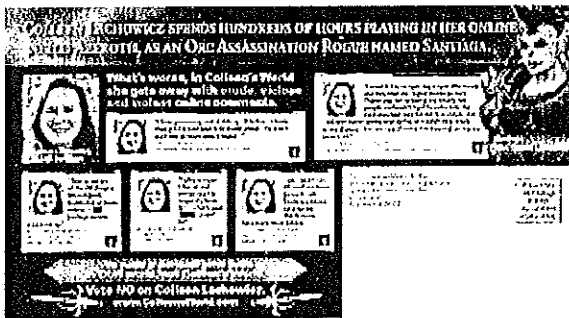
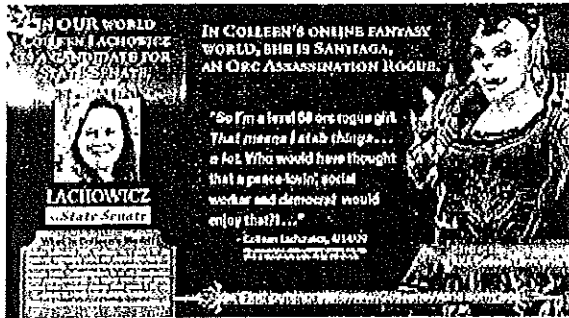
Today, Colleen is playing at level 85—the highest level one can attain. Studies have found that the average World of Warcraft gamer is 28 and spends 22.7 hours per week playing.

Her character in the game is called “Santiaga,” an Orc Assassin Rogue, and Lachowicz lives vicariously through her, making comments about World of Warcraft and other topics on the liberal blog, The Daily Kos. Here is a sampling of Lachowicz's comments:

- “So I'm a level 68 orc rogue girl. That means I stab things . . . a lot. Who would have thought that a peace-lovin', social worker and democrat would enjoy that?!”
- “Yes, I am seriously slacking off at work today. And I called my congresswoman's office today. And told them I would probably be calling everyday.”
- “I spent my day leveling my alt — an undead warlock...”
- “I'm lazy, remember?”
- “Now if you'll excuse me, I may have to go and hunt down Grover Norquist and drown him in my bath tub.”
- “Or my dream from election season last year where John McCain sat at my childhood dining room table and I reamed him a new a**hole about Sarah Palin.”
- “I like to stab things and I'm originally from NJ.... what's your f***ing point?!”
- “Do not send me a campaign contribution or I will have to stab you! Seriously!”
- “Yes, join us! We're progressive... in fact we joke about being a socialist guild.”
- “I love this diary because it sums up the teabagger mindset.”

“These are some very bizarre and offensive comments, and they certainly raise questions about Lachowicz's maturity and her ability to make serious decisions for the people of Senate District 25,” said Maine Republican Party spokesman David Sorensen.

The Maine Republican Party will make an effort to give voters all of the information about candidate Lachowicz. To that end, the party has established a website, www.colleensworld.com, where people can see Lachowicz's online activity for themselves. In addition, a series of mail pieces will be sent to the voters of District 25, including the one below.



Voters should have all the information they can obtain about those who choose to run for office. The Maine Republican Party will present that information to them and let them decide who is most able to represent them effectively.

###

----- Forwarded message -----

From: Backus, Tyler <Tyler.Backus@maine.gov>

Date: Fri, Oct 5, 2012 at 10:17 AM

Subject: RE: Language for Colleen Lachowicz campaign on ActBlue page

To: Amy Cookson <acookson@mainedems.org>

Amy,

I talked with Sandy and we both felt it was fine.

The facebook page is free so no campaign funds are being spent to support another organization. Even if it was paid the intent of the facebook page was well established before, in that it is to support her campaign. This is also in response to people coming to her asking how to donate, or help her campaign; and is in response to events that may influence the outcome of the campaign.

This is also keeps a clear division on co-ordination with possible independent expenditures that either group may make on her behalf.

Tyler Backus
Candidate Registrar
Maine Ethics Commission
45 Memorial Circle
Augusta, Maine
[207.287.4709](tel:207.287.4709)

From: arcookson@gmail.com [mailto:arcookson@gmail.com] **On Behalf Of** Amy Cookson

Sent: Friday, October 05, 2012 10:07 AM

To: Backus, Tyler

Subject: Language for Colleen Lachowicz campaign on ActBlue page

She would like to put this on her campaign's facebook page.

As a Clean Elections candidate, I cannot accept contributions, but you can contribute to like-minded groups. On ActBlue right now, there is a page raising money for the Maine Senate Democratic Campaign Committee and MPA Campaign Vote. Both are organizations which support my election, but I am unable to coordinate any activities with them. While money directed to them may or may not benefit me, know that it will go to help people reach elected office that will stand up for issues I find important, such as legislation to protect our youth from bullying.

Also, would it be okay to include the link to the ActBlue page?

B. The communication is distributed through public advertising such as broadcast stations, cable television, newspapers and similar media, and through direct mail, telephone, electronic mail, publicly accessible sites on the Internet or personal delivery.

C. The treatment of all candidates in the communication is substantially similar, except for any requirement under federal law applicable to communications regarding federal candidates.

D. The content of the communication is limited to:

- (1) The identification of each candidate, with which pictures may be used;
- (2) The offices sought;
- (3) The offices currently held by the candidates;
- (4) The party affiliation of the candidates and a brief statement, including campaign slogans, about the party's or the candidates' positions, philosophy, goals, accomplishments or biographies;
- (5) Encouragement to vote for the candidates identified;
- (6) Information about voting, such as voting hours and locations; and
- (7) Campaign or party logos.

If the communication contains language outside the categories of this paragraph, it does not qualify as a party candidate listing.

21A § 1013. Treasurer; political committees (REPEALED)

21A § 1013-A. Registration

1. Candidates, their treasurers and political committees. A candidate shall register the candidate's name and the name of a treasurer with the commission at least once in each legislative biennium, as provided in this section. A candidate may have only one treasurer, who must be appointed pursuant to paragraph A or B. For purposes of this section, "legislative biennium" means the term of office a person is elected to serve in the Legislature.

A. No later than 10 days after becoming a candidate and before accepting contributions, making expenditures or incurring obligations, a candidate for state or county office or a candidate for municipal office who has not filed a written notice in accordance with section 1011, subsection 4, paragraph A shall appoint a treasurer. The candidate may serve as treasurer, except that a participating candidate, as defined in section 1122, subsection 6, or a candidate certified in accordance with section 1125 may not serve as treasurer, except that the candidate may serve as treasurer or deputy treasurer for up to 14 days after declaring an intention to qualify for campaign financing under chapter 14 until the candidate identifies another person to serve as treasurer. The candidate may have only one treasurer, who is responsible for the filing of campaign finance reports under this chapter. A candidate shall register the

candidate's name and address and the name and address of the treasurer appointed under this section no later than 10 days after the appointment of the treasurer. A candidate may accept contributions personally or make or authorize expenditures personally, as long as the candidate reports all contributions and expenditures to the treasurer. The treasurer shall make a consolidated report of all income and expenditures and provide this report to the commission.

(1) A candidate may appoint a deputy treasurer to act in the absence of the treasurer. The deputy treasurer, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. A candidate certified in accordance with section 1125 may not serve as deputy treasurer. When a treasurer dies or resigns, the deputy treasurer may not assume the position of treasurer unless the candidate appoints the deputy treasurer to the position of treasurer. The candidate shall report the name and address of the deputy treasurer to the commission no later than 10 days after the deputy treasurer has been appointed.

★ [B. A candidate may authorize one political committee to promote the candidate's election. No later than 10 days after appointing a political committee and before accepting contributions, making expenditures or incurring obligations, a candidate for state, county or municipal office shall appoint a treasurer of the political committee. The treasurer of the political committee is responsible for filing campaign finance reports under this chapter. No later than 10 days after appointing a political committee, the candidate shall register with the commission the following information regarding the political committee:

- ★ [
- (1) The name of the committee;
 - (2) The name and address of the committee's treasurer;
 - (3) The name of the candidate who authorized the committee; and
 - (4) The names and addresses of the committee's officers.

C. No later than 10 days after becoming a candidate, as defined in section 1, subsection 5, a candidate for the office of State House of Representatives or Senate shall file in writing a statement declaring that the candidate agrees to accept voluntary limits on political expenditures or that the candidate does not agree to accept voluntary limits on political expenditures, as specified in section 1015, subsections 7 to 9. A candidate who has filed a declaration of intent to become certified as a candidate under the Maine Clean Election Act is not required to file the written statement required by this paragraph.

The statement filed by a candidate who voluntarily agrees to limit spending must state that the candidate knows the voluntary expenditure limitations as set out in section 1015, subsection 8 and that the candidate is voluntarily agreeing to limit the candidate's political expenditures and those made on behalf of the candidate by the candidate's political committee or committees, the candidate's party and the candidate's immediate family to the amount set by law. The statement must further state that the candidate does not condone and will not solicit any independent expenditures made on behalf of the candidate.

agent must be an individual resident of this State, a domestic corporation or a foreign corporation authorized to do business in this State. This paragraph does not apply to any entity already lawfully registered to conduct business in this State.

B. The commission shall create and maintain forms for the designation of agents required pursuant to paragraph A and require, at a minimum, the following information:

The name, address and telephone number of the designated agent; and

(2) The name, address and telephone number of the person conducting business in this State.

C. The person conducting push polling shall notify the commission of any changes in the designated agent and the information required by paragraph B.

D. A person who violates this subsection may be assessed a forfeiture of \$500 by the commission.

4. Permitted practices. This section does not prohibit legitimate election practices, including but not limited to:

A. Voter identification;

B. Voter facilitation activities; or

C. Generally accepted scientific polling research.


21A § 1015. Limitations on contributions and expenditures


1. Individuals. An individual may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$1,500 in any election for a gubernatorial candidate, more than \$350 for a legislative candidate, more than \$350 for a candidate for municipal office and beginning January 1, 2012 more than \$750 for a candidate for municipal office or more than \$750 in any election for any other candidate. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse or domestic partner. Beginning December 1, 2010, contribution limits in accordance with this subsection are adjusted every two years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.


2. Committees; corporations; associations. A political committee, political action committee, other committee, firm, partnership, corporation, association or organization may not make contributions to a candidate in support of the candidacy of one person aggregating more than \$1,500 in any election for a gubernatorial candidate, more than \$350 for a legislative candidate, more than \$350 for a candidate for municipal office and beginning January 1, 2012 more than \$750 for a candidate for municipal office or more than \$750 in any election for any other candidate. Beginning December 1, 2010,

contribution limits in accordance with this subsection are adjusted every two years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by \$25. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

3. Aggregate contributions. No individual may make contributions to candidates aggregating more than \$25,000 in any calendar year. This limitation does not apply to contributions in support of a candidate by that candidate or that candidate's spouse or domestic partner.

 **4. Political committees; intermediaries.** For the purpose of the limitations imposed by this section, contributions made to any political committee authorized by a candidate to accept contributions on the candidate's behalf are considered to be contributions made to that candidate. If the campaign activities of a political action committee within a calendar year primarily promote or support the nomination or election of a single candidate, contributions to the committee that were solicited by the candidate are considered to be contributions made to the candidate for purposes of the limitations in this section. For purposes of this subsection, solicitation of contributions includes but is not limited to the candidate's appearing at a fundraising event organized by or on behalf of the political action committee or suggesting that a donor make a contribution to that committee.

 For the purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate are considered to be contributions from that person to the candidate. The intermediary or conduit shall report the original source and the intended recipient of the contribution to the commission and to the intended recipient.

 **5. Other contributions and expenditures.** Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate.

The financing by any person of the dissemination, distribution or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees or their authorized agents is considered to be a contribution to that candidate.

6. Prohibited expenditures. A candidate, a treasurer, a political committee, a party or party committee, a person required to file a report under this subchapter or their authorized agents may not make any expenditures for liquor to be distributed to or consumed by voters while the polls are open on election day.

7. Voluntary limitations on political expenditures. A candidate may voluntarily agree to limit the total expenditures made on behalf of that candidate's campaign as specified in section 1013-A, subsection 1, paragraph C and subsections 8 and 9.


21-A MRSA §1, sub-§5. Definitions

5. Candidate. "Candidate" means any person who has filed a petition under either sections 335 and 336 or sections 354 and 355 and has qualified as a candidate by either procedure, or any person who has received contributions or made expenditures or has given his consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate.

21-A MRSA §1, sub-§11. Definitions

11. County office. "County office" means the office of judge of probate, register of probate, county treasurer, register of deeds, sheriff, district attorney or county commissioner.

21-A MRSA §1, sub-§30. Definitions

 **30. Political Committee.** "Political committee" means 2 or more persons associated for the purpose of promoting or defeating a candidate, party or principle.

21-A MRSA §23, sub-§§9-11. Preservation and destruction of records

9. Registration of treasurer. The Commission on Governmental Ethics and Election Practices shall keep the registration of a treasurer under section 1013 in its office for two (2) years.

10. Records and campaign finances. Each treasurer and each candidate shall keep the records required by section 1016 for two (2) years following the election to which they pertain.

11. Campaign reports. The Commission on Governmental Ethics and Election Practices shall keep the campaign reports or report data in its office for at least 8 years.

21-A MRSA §32, sub-§§1-2. Violations and penalties

1. Class E crime. A person commits a Class E crime if that person:

A. Knowingly violates a provision of this Title for which no penalty has been provided; or

B. Knowingly displays or distributes political advertisements in or on state-owned or state-leased property.


This paragraph does not apply to acts on state highways or to displays on motor vehicles not owned by the State while temporarily parked in parking areas on land maintained by the State. This paragraph does not apply to acts in or on a state-owned or state-leased building for a period beginning 48 hours before and ending 48 hours

H. Otherwise substantially violated the provisions of this chapter or chapter 13; or

I. As a gubernatorial candidate, failed to properly report seed money contributions as required by this section.

The determination to revoke the certification of a candidate must be made by a vote of the members of the commission after an opportunity for a hearing. A candidate whose certification is revoked shall return all unspent funds to the commission within 3 days of the commission's decision and may be required to return all funds distributed to the candidate. In addition to the requirement to return funds, the candidate may be subject to a civil penalty under section 1127. The candidate may appeal the commission's decision to revoke certification in the same manner provided in subsection 14, paragraph C.

5-B. Restrictions on serving as treasurer. A participating or certified candidate may not serve as a treasurer or deputy treasurer for that candidate's campaign, except that the candidate may serve as treasurer or deputy treasurer for up to 14 days after declaring an intention to qualify for campaign financing under this chapter until the candidate identifies another person to serve as treasurer.

 **6. Restrictions on contributions and expenditures for certified candidates.** After certification, a candidate must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission. Candidates may also accept and spend interest earned on fund revenues in campaign bank accounts. All revenues distributed to a certified candidate from the fund must be used for campaign-related purposes. The candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and committee may not use these revenues for any but campaign-related purposes. The commission shall publish guidelines outlining permissible campaign-related expenditures.

6-A. Assisting a person to become an opponent. A candidate or a person who later becomes a candidate and who is seeking certification under subsection 5, or an agent of that candidate, may not assist another person in qualifying as a candidate for the same office if such a candidacy would result in the distribution of revenues under subsections 7 and 8-A for certified candidates in a contested election.

6-B. (REPEALED)

6-C. Expenditures to the candidate or family or household members. Expenditures to the candidate or immediate family member or household member of the candidate are governed by this subsection.

A. The candidate may not use fund revenues to compensate the candidate or a sole proprietorship of the candidate for campaign-related services.

B. A candidate may not make expenditures using fund revenues to pay a member of the candidate's immediate family or household, a business entity in which the candidate or a member of the candidate's immediate family or household holds a significant proprietary or financial interest or a nonprofit entity in which the candidate or a member of the candidate's immediate family or household is a director, officer, executive director or chief financial officer, unless the expenditure is made: